

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NICOLETTE D. PAGE,

Plaintiff,

§

§

§

v.

Case No. 1:24-cv-01249

§

§

UNIVERSITY OF TEXAS AT

AUSTIN,

Defendant.

§

§

INDEX OF STATE COURT DOCUMENTS

The following documents comprise all process, pleadings, and orders¹ in the state court suit:

1. State District Court Docket
2. Plaintiff's Original Petition, 9/18/2024
3. Service Request Form, 9/25/2024
4. Executed Service, 10/7/2024
5. Defendant's Original Answer and Defenses, 10/18/2024

¹ No orders have been entered in the state court suit.

201st District Court**Case Summary****Case No. D-1-GN-24-006871****NICOLETTE PAGE vs. UNIVERSITY OF TEXAS AT AUSTIN**§
§
§Location: **201st District Court**
Judicial Officer: **201ST, DISTRICT COURT**
Filed on: **09/18/2024****Case Information**Case Type: Discrimination
Case Status: **09/18/2024 Open****Assignment Information****Current Case Assignment**

Case Number D-1-GN-24-006871
 Court 201st District Court
 Date Assigned 09/18/2024
 Judicial Officer 201ST, DISTRICT COURT

Party Information

Plaintiff PAGE, NICOLETTE D. **Bachop, Matthew Bradley**
Retained

Defendant UNIVERSITY OF TEXAS AT AUSTIN**Case Events**

- 09/18/2024 ORIGINAL PETITION/APPLICATION (OCA)
PLAINTIFF'S ORIGINAL PETITION
 Party: Plaintiff PAGE, NICOLETTE D.
 Atty/Pro Se: Attorney Bachop, Matthew Bradley
- 09/25/2024 OTHER/NOTICE
SERVICE REQUEST FORM- UNIVERSITY OF TEXAS AT AUSTIN
- 10/07/2024 EXECUTED SERVICE
EXECUTED RETURN SERVICE OF CITATION - UNIVERSITY OF TEXAS AT AUSTIN
- 10/18/2024 ORIGINAL ANSWER/WAIVER
DEFENDANT THE UNIVERSITY OF TEXAS AT AUSTIN S ORIGINAL ANSWER AND DEFENSES

Service Events

- 10/01/2024 **Citation**
 UNIVERSITY OF TEXAS AT AUSTIN
 Served: 10/02/2024



D-1-GN-24-006871

CAUSE NO. _____

NICOLETTE D. PAGE,
Plaintiff,

v.

UNIVERSITY OF TEXAS AT AUSTIN,
Defendant.**IN THE DISTRICT COURT OF**§
§
§
§
§
§**TRAVIS COUNTY**
201ST, DISTRICT COURT
_____ **JUDICIAL DISTRICT****PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF THE COURT:

Comes now Plaintiff, Nicolette D. Page, and complains of Defendant, University of Texas at Austin. In support of her complaint, Plaintiff states the following:

DISCOVERY LEVEL
I.

Plaintiff intends that discovery in this case be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure. *See* TEX. R. CIV. P. 190.3.

PARTIES
II.

Plaintiff Nicolette D. Page is an individual Texas resident who is employed by Defendant in Travis County, Texas.

III.

Defendant University of Texas at Austin ("UT") is a coeducational institution of higher education within The University of Texas System. Defendant may be served through its President, Jay Hartzell, at his usual place of business, The University of Texas at Austin, 110 Inner Campus Drive, Stop G3400, Austin, TX 78712-3400.



JURISDICTION AND VENUE
IV.

The Court has jurisdiction over the case pursuant to TEX. CONST. art. V, § 8; TEX. GOV'T CODE §§ 24.007–24.008. Venue is proper in this Court pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002. As is required by TEX. R. CIV. P. 47, Plaintiff pleads that she seeks, at the current time, monetary relief over \$1,000,000.

FACTUAL ALLEGATIONS
V.

Ms. Page is a Black-Latina woman who was hired by Defendant in August 2019 as a Billing and Insurance Manager. In May 2023, Ms. Page transferred to the role of Enterprise Application Support Manager for Defendant's Enterprise Business Information Technology Solutions ("eBITS") department. At that time, Marc Jacaman, eBITS Director of Campus Support, became her manager.

VI.

On or around June 2, 2023, Ms. Page disclosed to Jacaman her status as a person with a disability under the Americans with Disabilities Act and Chapter 21 of the Texas Labor Code. After that, Jacaman singled out Ms. Page for negative treatment. By way of example only, Jacaman excluded Ms. Page from management meetings and staff meetings pertaining to her responsibilities, he disciplined her for absences that were approved for protected leave under the Family and Medical Leave Act ("FMLA"), he subjected her to disrespectful and racist commentary, and he placed her under increased scrutiny.

VII.

Because of this treatment, Ms. Page filed a charge of discrimination with the Equal Employment Opportunity Commission and the Texas Workforce Commission in January 2024. However, the filing of this charge did not stop Jacaman from singling out Ms. Page for negative treatment. On the contrary, Jacaman's negative treatment of Ms. Page only intensified, and it became so overwhelming that she was forced to resign her eBITS position in April 2024. As Ms. Page stated in her resignation letter, she had "never faced such intense management bullying, marginalization, and a lack of response or acknowledgment" during her "twelve years of experience in management."

VIII.

The discrimination, retaliation, and hostile work environment to which Ms. Page was subjected also affected her life outside of work in various ways. They caused her performance in UT's MBA program to suffer, damaging her future earning capacity. The stress and mental anguish also caused Ms. Page to seek therapy services. She has been prescribed additional medications.

IX.

The illegal treatment of Ms. Page affected her economically in several ways as well. Jacaman set her initial eBITS salary at a lower rate than her similarly situated peers. In addition, Jacaman's actions led to Ms. Page being bypassed for merit raises for 2022–2023 and 2023–2024 and for equity and structural adjustments. This suppression of Ms. Page's pay will affect the trajectory of her compensation throughout her career with UT (she now works for a different UT department).

FIRST CAUSE OF ACTION – RACE DISCRIMINATION
X.

By discriminating against Ms. Page because of her race, including by treating her worse than similarly situated employees of other races and by constructively discharging her, Defendant violated Ms. Page's rights and its obligations under Chapter 21 of the Texas Labor Code and Title VII of the Civil Rights Act of 1964.

SECOND CAUSE OF ACTION – DISABILITY DISCRIMINATION
XI.

By discriminating against Ms. Page because of her disability, including by treating her worse than similarly situated employees without disabilities and by constructively discharging her, Defendant violated Ms. Page's rights and its obligations under Chapter 21 of the Texas Labor Code and the Americans with Disabilities Act.

THIRD CAUSE OF ACTION – RETALIATION FOR OPPOSING DISCRIMINATION
XII.

By retaliating against Ms. Page because she opposed illegal discrimination against her, including by treating her worse than similarly situated employees who did not oppose discrimination and by constructively discharging her, Defendant violated Ms. Page's rights and its obligations under Chapter 21 of the Texas Labor Code, Title VII of the Civil Rights Act of 1964, and the Americans with Disabilities Act.

FOURTH CAUSE OF ACTION – FMLA RETALIATION
XIII.

By retaliating against Ms. Page because she exercised her right to take protected leave under the FMLA, including by treating her worse than similarly situated employees who did not

use FMLA-protected leave and by constructively discharging her, Defendant violated Ms. Page's rights and its obligations under the Family and Medical Leave Act.

**REQUEST FOR TRIAL BY JURY
XIV.**

Plaintiff requests and demands a trial by jury.

**PRAYER FOR RELIEF
XV.**

Wherefore, premises considered, Plaintiff respectfully requests that Defendant be cited to appear and answer herein, and upon hearing, that the Court award Plaintiff the following relief:

- A. Declare that Defendant violated Chapter 21 of the Texas Labor Code, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and/or the Family and Medical Leave Act by engaging in the unlawful employment practices identified above;
- B. Order Defendant to pay Plaintiff damages for lost wages, loss of earning capacity, and other pecuniary losses as a result of the unlawful employment practices identified above;
- C. Order Defendant to pay Plaintiff front pay as a result of Defendant's discrimination and/or retaliation;
- D. Order Defendant to pay Plaintiff compensatory damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and/or other nonpecuniary losses because of Defendant's discrimination and/or retaliation;
- E. Order Defendant to pay Plaintiff liquidated damages under the Family and Medical Leave Act;
- F. Order Defendant to pay Plaintiff's reasonable attorney fees and costs;
- G. Order Defendant to pay pre-judgment interest on all amounts for which pre-

judgment interest is legally allowable, at the highest lawful rate;

H. Order Defendant to pay post-judgment interest at the highest lawful rate for all amounts, including attorney fees, awarded against Defendant; and

I. Order such other relief, whether legal or equitable, to which Plaintiff is entitled.

Respectfully submitted,

DEATS DURST & OWEN, PLLC

/s/ Matt Bachop

Matt Bachop
TBN: 24055127
mbachop@ddollaw.com
8140 N Mopac Expy, Suite 4-250
Austin, Texas 78759
(512) 474-6200
FAX (512) 474-7896

Attorney for Plaintiff

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Matthew Bachop on behalf of Matthew Bachop

Bar No. 24055127

mbachop@ddollaw.com

Envelope ID: 92182836

Filing Code Description: Petition

Filing Description: PLAINTIFF'S ORIGINAL PETITION

Status as of 9/20/2024 12:07 PM CST

Associated Case Party: NICOLETTERD.PAGE

Name	BarNumber	Email	TimestampSubmitted	Status
Matthew Bachop		mbachop@ddollaw.com	9/18/2024 3:20:13 PM	SENT
Abby Marin		nmarin@ddollaw.com	9/18/2024 3:20:13 PM	SENT



SERVICE REQUEST FORM

Velva PriceDistrict Clerk, Travis County
Civil Division (512) 854-9457**REQUESTED BY:**

ATTORNEY/FILER:

PHONE #:

EMAIL:

SUBMITTED BY:

TITLE:

SIGNATURE:

ISSUE PROCESS FOR:

CAUSE #:

CASE STYLE:

QUICK CITATION REQUEST: (FOR SERVICE OF CITATION ON ALL DEFENDANTS BY PERSONAL)

ISSUE CITATION TO ALL DEFENDANTS LISTED IN THE ORIGINAL PETITION AT THE ADDRESS SPECIFIED IN THE PETITION AND FORWARD THE CITATION(S) TO THE FOLLOWING:

 TRAVIS CO. CONSTABLE (specify): CERTIFIED MAIL BY CLERK ATTORNEY/REQUESTER PRIVATE PROCESS AGENCY (specify): I HAVE INCLUDED ATTACHMENTS TO THIS REQUEST (e.g. DISCOVERY) TO INCLUDE**DETAILED SERVICE REQUEST: (ON PARTICULAR PARTIES, BY VARIOUS DELIVERY METHODS, OR FOR NON-CITATION)**

DESCRIPTION OF INSTRUMENT(S) TO BE SERVED:

 I HAVE INCLUDED ATTACHMENTS TO THIS REQUEST (e.g. discovery) TO INCLUDE IN THE CITATIONTYPE OF PROCESS TO ISSUE: CITATION CERTIFIED NOTICE PROTECTIVE ORDER* TRO*^A INJUNCTION*^A SEQUESTRATION*^A
 ATTACHMENT* EXECUTION* ABSTRACT* SUPERSEDEAS^A SCIRE FACIAS* OTHER^A

*SPECIFY TITLE AND DATE OF UNDERLYING ORDER IN CASE RECORD:

^ATTACH A COPY OF BOND AND/OR OTHER SUPPORTING DOCUMENT

SERVICE TO BE ISSUED:

PARTY NAME:

PARTY TYPE:

 USE ADDRESS IN ORIGINAL PETITION SECRETARY OF STATE
 OTHER ADDRESS:

EMAIL PROCESS TO:

 TRAVIS CO. CONSTABLE
 ATTORNEY/REQUESTOR
 PRIVATE PROCESS AGENCY:

Process Agency Name:

SERVE VIA:

 PERSONAL SERVICE
 CERTIFIED MAIL (BY CONSTABLE)
 CERTIFIED MAIL (BY CLERK)
 CITATION BY POSTING*
 CITATION BY PUBLICATION*

PARTY NAME:

PARTY TYPE:

 USE ADDRESS IN ORIGINAL PETITION SECRETARY OF STATE
 OTHER ADDRESS:

EMAIL PROCESS TO:

 TRAVIS CO. CONSTABLE
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PARTY TYPE:

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 OTHER ADDRESS:

EMAIL PROCESS TO:

 TRAVIS CO. CONSTABLE
 ATTORNEY/REQUESTOR
 PRIVATE PROCESS AGENCY:

Process Agency Name:

SERVE VIA:

 PERSONAL SERVICE
 CERTIFIED MAIL (BY CONSTABLE)
 CERTIFIED MAIL (BY CLERK)
 CITATION BY POSTING*
 CITATION BY PUBLICATION***EXHIBIT**
3

*THIS TYPE OF SERVICE MAY REQUIRE A COURT ORDER. ENTER DATE OF SERVICE ORDER IN CASE RECORD:

ADDITIONAL INSTRUCTIONS FOR CLERK OR FOR OFFICER SERVING PROCESS:

FOR ADDITIONAL PARTIES TO BE SERVED, USE e-FILED PROCESS ISSUANCE REQUEST FORM ADDENDUM

VELVA PRICE
TRAVIS COUNTY DISTRICT CLERK
CIVIL DIVISION (512) 854-9457

SERVICE REQUEST FORM

Cause #:	Case Style:	
PARTY NAME: <input type="checkbox"/> USE ADDRESS IN ORIGINAL PETITION <input type="checkbox"/> SECRETARY OF STATE <input type="checkbox"/> OTHER ADDRESS:	EMAIL PROCESS TO: <input type="checkbox"/> TRAVIS CO. CONSTABLE <input type="checkbox"/> ATTORNEY/REQUESTOR <input type="checkbox"/> PRIVATE PROCESS AGENCY: Process Agency Name:	SERVE VIA: <input type="checkbox"/> PERSONAL SERVICE <input type="checkbox"/> CERTIFIED MAIL (BY CONSTABLE) <input type="checkbox"/> CERTIFIED MAIL (BY CLERK) <input type="checkbox"/> CITATION BY POSTING* <input type="checkbox"/> CITATION BY PUBLICATION*
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***This Type of Service may require a court order. Enter date of service order in case record:**

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Matthew Bachop on behalf of Matthew Bachop

Bar No. 24055127

mbachop@ddollaw.com

Envelope ID: 92439544

Filing Code Description: No Fee Documents

Filing Description: SERVICE REQUEST FORM- UNIVERSITY OF TEXAS AT AUSTIN

Status as of 9/27/2024 3:20 PM CST

Associated Case Party: NICOLETTED.PAGE

Name	BarNumber	Email	TimestampSubmitted	Status
Matthew Bachop		mbachop@ddollaw.com	9/25/2024 1:26:43 PM	SENT
Abby Marin		nmarin@ddollaw.com	9/25/2024 1:26:43 PM	SENT

Velva L. Price

District Clerk

Travis County

D-1-GN-24-006871

CITATION

THE STATE OF TEXAS

CAUSE NO. D-1-GN-24-006871

NICOLETTE D. PAGE

vs.

, PLAINTIFF(S)

UNIVERSITY OF TEXAS AT AUSTIN

, DEFENDANT(S)

TO: UNIVERSITY OF TEXAS AT AUSTIN
 BY SERVING ITS PRESIDENT JAY HARTZELL
 110 INNER CAMPUS DRIVE STOP G3400
 THE UNIVERSITY OF TEXAS AT AUSTIN
 AUSTIN TX 78712-3400

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."

Attached is a copy of the **PLAINTIFF S ORIGINAL PETITION** in the above styled and numbered cause, which was filed on **SEPTEMBER 18, 2024** in the **201ST DISTRICT COURT** of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, **OCTOBER 01, 2024**

REQUESTED BY:

MATTHEW BRADLEY BACHOP
 8140 N. MOPAC EXPY #4-250
 AUSTIN, TX 78759

mbachop@m10law.com
 Ph: 512-471-6200
 Fx: 512-471-1816



2024 OCT - 2 AM 8:15
 Velva L Price
 Travis County District Clerk
 Civil Family Court Facility (CFCF)
 1700 Guadalupe Street P.O. Box 878003 (78767)
 Austin TX 78701

Jose Garcia, Deputy

RE TURN
 Came to hand on the 2 day of October 2024 at 8:15 o'clock AM, and executed at
110 Inner Campus Drive Stop G3400 within the County of TRAVIS on the 2 day
 of October 2024 at 2:30 o'clock PM, by delivering to the within named
University of Texas at Austin By serving Jay Hartzell, each in person, a true copy of this citation together with
 the **PLAINTIFF S ORIGINAL PETITION** accompanying pleading, having first attached such copy of such citation to such copy of
 pleading and endorsed on such copy of citation the date of delivery.
X The University of Texas at Austin By serving Jay Hartzell Constable Pct. 5, Travis County, Texas
 Service Fee: \$ _____

Sheriff / Constable / Authorized Person

By: Michael Untermeyer
 Michael Untermeyer #511

Printed Name of Server
TRAVIS County, Texas

PCT. 5

Notary Public, THE STATE OF TEXAS
 D-1-GN-24-006871

E-MAILED
 10/14/24

COMPLETED



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 M

CAUSE NO. D-1-GN-24-006871**NICOLETTE D. PAGE,**
Plaintiff,

v.

**UNIVERSITY OF TEXAS AT
AUSTIN,**
*Defendant.***IN THE DISTRICT COURT OF
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TRAVIS COUNTY, TEXAS
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201ST JUDICIAL DISTRICT**

**DEFENDANT THE UNIVERSITY OF TEXAS AT AUSTIN'S
ORIGINAL ANSWER AND DEFENSES**

Defendant, The University of Texas at Austin (hereinafter, "UT" or "Defendant"), files this Original Answer and Defenses to Plaintiff's Original Petition, and respectfully shows the Court as follows.

**I.
GENERAL DENIAL**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies each and every allegation in Plaintiff's Original Petition and demands strict proof thereof, as required by law.

**II.
DEFENSES**

Pleading further, Defendant hereby asserts the following defenses to which it may be entitled:

1. Defendant asserts sovereign immunity from suit to the extent that it applies.
2. Defendant asserts sovereign immunity from liability to the extent that it applies.



3. Defendant asserts the applicable statute of limitations to Plaintiff's claims, to the extent that it applies.
4. Plaintiff's claims, in whole or in part, are barred by Plaintiff's failure to exhaust her administrative remedies.
5. Defendant asserts that Plaintiff's claims have no basis in law or in fact.
6. Defendant asserts that any employment actions regarding the Plaintiff were taken for legitimate, non-retaliatory reasons.
7. Plaintiff has failed to mitigate her damages, if any.
8. Plaintiff's damages, if any, are subject to statutory limits.
9. Defendant reserves the right to raise additional defenses as they become apparent during the development of the case.

III.
PRAYER FOR RELIEF

WHEREFORE, Defendant prays that Plaintiff take nothing by her suit, and that Defendant recover all such other and further relief, special or general, at law or in equity, to which it is justly entitled.

Respectfully submitted.

KEN PAXTON
Attorney General

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

JAMES LLOYD
Deputy Attorney General for Civil Litigation

KIMBERLY GDULA
Chief, General Litigation Division

/s/ Amy Pletscher
AMY PLETSCHER
Texas Bar No. 24113663
Assistant Attorney General
General Litigation Division
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Phone: (512) 936-0927
Fax: (512) 320-0667
amy.pletscher@oag.texas.gov

*Counsel for Defendant,
The University of Texas at Austin*

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2024, a true and correct copy of the foregoing document was served via the Court's electronic filing manager system upon all counsel of record.

Matt Bachop
Deats Durst & Owen, PLLC
8140 N Mopac Expy., Suite 4-250
Austin, Texas 78759
mbachop@ddollaw.com

Counsel for Plaintiff

/s/ Amy Pletscher
AMY PLETSCHER
Assistant Attorney General

Automated Certificate of eService

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Rosalinda Luna on behalf of Amy Pletscher

Bar No. 24113663

rosalinda.luna@oag.texas.gov

Envelope ID: 93305955

Filing Code Description: Answer/Response

Filing Description: DEFENDANT THE UNIVERSITY OF TEXAS AT AUSTIN'S ORIGINAL ANSWER AND DEFENSES

Status as of 10/18/2024 9:51 AM CST

Associated Case Party: NICOLETTED.PAGE

Name	BarNumber	Email	TimestampSubmitted	Status
Matthew Bachop		mbachop@ddollaw.com	10/18/2024 8:57:26 AM	SENT
Abby Marin		nmarin@ddollaw.com	10/18/2024 8:57:26 AM	SENT

Associated Case Party: UNIVERSITY OF TEXAS AT AUSTIN

Name	BarNumber	Email	TimestampSubmitted	Status
Amy Pletscher		Amy.Pletscher@oag.texas.gov	10/18/2024 8:57:26 AM	SENT
Rosalinda Luna		rosalinda.luna@oag.texas.gov	10/18/2024 8:57:26 AM	SENT